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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,990	05/03/2001	Joe D'Silva	7540*2	5791

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EXAMINER

TOMASZEWSKI, MICHAEL

ART UNIT PAPER NUMBER

3626

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/847,990	D'SILVA, JOE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mike Tomaszewski	3626	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 May 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Notice To Applicant***

1. This communication is in response to the application filed on 3 May 2001.

Claims 1-9 are pending.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-9 rejected under 35 U.S.C. 102(b) as being anticipated by Mayaud (5,845,255; hereinafter Mayaud).

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(A) As per Claim 1, Mayaud discloses a computerized communication system for communication of information about a liquid dosage formulation comprising a medicinal compound and delivery of the information between a health care provider organization and a central source of such information comprising:

- (a) at least one data input means available to the health care provider organization for inputting information about needs of one or more patients for the liquid dosage formulation (Mayaud: col. 4, lines 31-43; col. 7, lines 57-67; Figs. 3 and 16);
- (b) program means executable by at least one data processing means for processing said patient information into a format for transmission thereof over an interactive communication network (Mayaud: col. 14, lines 57-67; col. 7, lines 30-45; Fig. 16); and
- (c) a server system for containing information about the liquid dosage formulation and for transmitting said information to the health care provider organization over the interactive communication network in response to receipt of patient information from the health care provider organization (Mayaud: col. 7, lines 33-35; col. 26, lines 21-22; Fig. 16).

(B) As per Claim 2, Mayaud discloses the computerized communication system of Claim 1, wherein:

a unique identification code is associated with each health care provider organization in its transmission of information to the server system (Mayaud: col. 6, line 20).

Mayaud teaches that its prescription management system is designed for various prescribing entities (i.e., customers), such as hospitals (i.e., provider organization) and the like. As such, Examiner considers "customer" to read on "provider organization."

(C) As per Claim 3, Mayaud discloses the computerized communication system of Claim 2, wherein:

a unique individual sub-identification code is associated with each person at the health care provider organization who accesses the computerized communication system (Mayaud: col. 17, lines 42-43).

(D) As per Claim 4, Mayaud discloses the computerized communication system of Claim 3, wherein:

a unique request identifier is associated with each receipt of patient information processed by the server system (Mayaud: col. 18, lines 62-65).

Examiner considers a date and time stamp to read on "unique request identifier" and "access to patient data" to read on "receipt of patient information."

(E) As per Claim 5, Mayaud discloses the computerized communication system of Claim 4, wherein:

the server system further comprises a table associating unique individual sub identification codes with unique request identifiers (Mayaud: col. 17, lines 60-67 and col. 18, lines 1-2 and lines 62-65).

Examiner considers "log" to read on "table," "accessor ID" to read on "unique individual sub identification codes" and a date and time stamp to read on "unique request identifier."

(F) As per Claim 6, Mayaud discloses the computerized communication system of Claim 4, wherein:

the server system, after each receipt of patient information from the program means executable by at least one data processing means, associates the unique individual sub-identification code of the person associated with the health care provider organization sending the patient information with the unique request identifier to form a Health Care Provider Experience Table (Mayaud: col. 17, lines 60-67 and col. 18, lines 1-2 and lines 62-65).

Examiner considers "log" to read on "table," "accessor ID" to read on "unique individual sub identification codes" and a date and time stamp to read on "unique request identifier."

(G) As per Claim 7, Mayaud discloses the computerized communication system of Claim 6, wherein:

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after receipt of patient information and a unique individual sub-identification code, the server system accesses the Health Care Provider Experience Table before transmitting information to the health care provider organization (Mayaud: col. 13, lines 25-46).

(H) As per Claim 8, Mayaud discloses the computerized communication system of Claim 1, wherein:

the information transmitted to the health care provider organization by the server system is formulation information (Mayaud: col. 11, line 9).

The Examiner has noted insofar as claim 8 recites "selected from the group consisting of formulation information, information about liquid dosage formulation products, information about sourcing liquid dosage formulation products, information about ordering liquid dosage formulation products, contact information that can be employed to access information about liquid dosage formulations, and the identity of others within the health care provider organization who have made similar requests for information," formulation information is recited.

(I) As per Claim 9, Mayaud discloses the computerized communication system of Claim 1, wherein:

the interactive communication network is the Internet (Mayaud: col. 48, lines 1-2).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied art teaches a prescription creation system (5,737,539); a medication monitoring system and apparatus (6,421,650); an apparatus and method for processing and/or providing healthcare information and/or healthcare-related information (6,283,761); a system for dispensing drugs in health care institutions (4,847,764); and an interactive medication ordering system (5,758,095).

The cited but not applied prior art also includes non-patent literature articles by Larry Stevens ("MDs Welcome E-Prescriptions -- New Web Services Let Physicians Prescribe Drugs" Mar. 27, 2000. InternetWeek. Iss. 806. pg. 31.), Business Editors ("ePhysician Hits 12,000 Electronic Prescription Mark and Begins to Give Away 10,000 Palm Pilots to Physicians" Mar. 20, 2000. Business Wire. pg. 1.) and Darnell Little ("Allscripts Inc. Expands Into Online Pharmacy Market" Feb. 16, 2000. Chicago Tribune. pg. 1.).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.




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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MT

*MA*

8.24.05

  
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